

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.Revision No.1367 of 2006

DATE OF DECISION: DECEMBER 21, 2006

Anupma Jain

...PETITIONER

VERSUS

State of Haryana and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Kapil Aggarwal, Advocate,
for the petitioner.

...

The petitioner, who is the complainant, has filed this criminal revision against the judgment dated 16.2.2006 passed by the Additional Sessions Judge, Jagadhri, whereby the accused-respondent No.2 has been acquitted of the charges under Sections 376 and 420 IPC.

I have heard the counsel for the petitioner and gone through the impugned judgment.

In this case, accused Rajiv Jain faced the trial in case FIR No.218 dated 13.7.2001 registered under Sections 376/498-A/420/406/313/494/341 IPC at Police Station City, Jagadhri, on the complaint made by the petitioner. The trial Court after considering the facts and circumstances of the case, and appreciating the evidence available on the record, acquitted the accused by giving him the benefit of doubt. It has been observed by the trial Court that the prosecutrix in the previous complaint had alleged that she was forced to marry in the temple and was forced to get her signatures on some papers, whereas now she is asserting

that she was allured by respondent No.2 for sexual intercourse on the pretext of marrying her. It has been further observed that the allegation of the prosecutrix that she became pregnant and the pregnancy was terminated after one and a half month of conception, is quite false as PW2- Dr.Deepika Gupta in her statement had stated that there were irregular marks of linear albicantes on the abdomen and thighs and, as such, the possibility of her being habitual to sexual intercourse could not be ruled out and the linear marks on the abdomen were suggestive of previous pregnancy. When the said witness was cross-examined, she had stated that the linear marks occur only due to increase in the size of abdomen by stretching. Further, it has been observed that there were contradictions in the pleas taken by the prosecutrix. On the one hand, she has stated that she was married and the accused and his family members were harassing her for bringing insufficient dowry and on the other hand she has alleged that she was raped by the accused on the pretext that he would marry her. It has been also observed that the prosecution has not examined either the brother of the prosecutrix or any other family member so as to support her case. She has unsuccessfully filed the petition under Section 9 of the Hindu Marriage Act. This all shows that the accused and the prosecutrix have developed illicit relations and she later on forced the accused to marry her.

I do not find any illegality or infirmity in the judgment passed by the trial Court and the same does not require any interference in this criminal revision.

Dismissed.

December 21, 2006
vkg

(SATISH KUMAR MITTAL)
JUDGE